

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

Alahaji Mohamed Musa Kanneh,

Plaintiff,

vs.

Burleigh County,

Defendant.

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**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Case No. 1:13-cv-067

The Plaintiff, Alahaji Mohamed Musa Kanneh, was a pretrial detainee at the Burleigh County Detention Center. He initiated this 42 U.S.C. § 1983 civil rights action against Burleigh County for deliberate indifference to his religious beliefs in July 2013. See Docket No.6. On February 20, 2014, the Defendant filed a motion to dismiss. See Docket No. 25. The motion was referred to Magistrate Judge Charles S. Miller, Jr. for a Report and Recommendation. The Plaintiff filed a response to the motion on March 27, 2014. See Docket No. 33. The Defendant filed a reply on April 1, 2014. See Docket No. 34. The Defendant filed a supplemental response on April 9, 2014. See Docket No. 37. On October 28, 2014, Judge Miller issued his Report and Recommendation in which he recommended denying the Defendant's motion to dismiss. See Docket No. 38. Judge Miller also recommended dismissing the action without prejudice if attempts to mail the Report and Recommendation failed and Kanneh did not provide the Court with an updated mailing address within the fourteen (14) day period permitted for the filing of objections to the Report and Recommendation. No objections were filed.

The Court has carefully reviewed the Report and Recommendation, relevant case law, and the entire record, and finds the Report and Recommendation to be persuasive. Attempts to mail Judge Miller's Report and Recommendation failed as Kanneh no longer resides at the Heart of

America Correctional and Treatment Center in Rugby, North Dakota. The mail was returned undeliverable. Kanneh has failed to provide the Court with an updated mailing address and his whereabouts are unknown. Under these circumstances, it is not possible for the case to proceed.

Accordingly, the Court **ADOPTS** the Report and Recommendation (Docket No. 38) in its entirety. The Defendant's motion for summary judgment (Docket No. 25) is **DENIED as moot** and the action is dismissed without prejudice. Let judgment be entered accordingly.

IT IS SO ORDERED.

Dated this 17th day of November, 2014.

/s/ Daniel L. Hovland

Daniel L. Hovland, District Judge
United States District Court